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**Union Calendar No. 82**

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# **H. R. 4204**

[Report No. 91-249]

## **IN THE HOUSE OF REPRESENTATIVES**

JANUARY 23, 1969

Mr. ROGERS of Colorado introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

MAY 15, 1969

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

## **A BILL**

To amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 *That section 6 of the War Claims Act of 1948 (50 United*  
4 *States Code, Appendix 2005) is amended by:*

5 *(1) rewording subsection (c) (1) to read:*

6 *"(c) (1) As used in this subsection the term 'prisoner*  
7 *of war' means any regularly appointed, enrolled, enlisted, or*  
8 *inducted member of the Armed Forces of the United States*  
9 *who was held as a prisoner of war for any period of time, by*

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1 any hostile force with which the Armed Forces of the United  
2 States were actually engaged in armed conflict, between  
3 June 25, 1950, and August 21, 1954, or August 5, 1964,  
4 and the date ending the Vietnam conflict as shall hereafter  
5 be determined by Presidential proclamation or concurrent  
6 resolution of Congress except any such member who, at  
7 any time, voluntarily, knowingly, and without duress, gave  
8 aid to or collaborated with or in any manner served any  
9 such hostile force"; and

10 ~~(2)~~ by rewording sub-subsection ~~(5) (A)~~ to read:

11 ~~"(A)~~ August 21, 1954, for those with service dur-  
12 ing the Korean conflict"; and

13 ~~(3)~~ by redesignating sub-subsection ~~(5) (B)~~ as sub-  
14 subsection ~~(5) (C)~~; and

15 ~~(4)~~ by redesignating sub-subsection ~~(5) (C)~~ as  
16 sub-subsection ~~(5) (D)~~; and

17 ~~(5)~~ by inserting immediately after sub-subsection  
18 ~~(5) (A)~~ the following new sub-subsection:

19 ~~"(5) (B)~~ effective date of this amendment for those  
20 with service in the Vietnam conflict."

21 That section 6 of the War Claims Act of 1948 (50 App.  
22 U.S.C. 2005) is amended as follows:

23 (1) by redesignating subsection (f) as subsection  
24 (g); and

25 (2) by inserting immediately after subsection (e)

1       “(f) (1) As used in this subsection—

2       “(A) the term ‘Vietnam conflict’ relates to the pe-  
3       riod beginning February 28, 1961, and ending on such  
4       date as shall thereafter be determined by Presidential  
5       proclamation or concurrent resolution of the Congress;  
6       and

7       “(B) the term ‘prisoner of war’ means any regu-  
8       larly appointed, enrolled, enlisted, or inducted member  
9       of the Armed Forces of the United States who was held  
10      as a prisoner of war for any period of time during the  
11      Vietnam conflict by any force hostile to the United  
12      States, except any such member who, at any time, volun-  
13      tarily, knowingly, and without duress, gave aid to or  
14      collaborated with, or in any manner served, such hostile  
15      force.

16      “(2) The Commission is authorized to receive and to  
17      determine, according to law, the amount and validity, and  
18      provide for the payment of any claim filed by any prisoner  
19      of war for compensation for the failure of the hostile force  
20      by which he was held as a prisoner of war, or its agents, to  
21      furnish him the quantity or quality of food prescribed for  
22      prisoners of war under the terms of the Geneva Convention  
23      of August 12, 1949. The compensation allowed to any  
24      prisoner of war under the provisions of this paragraph shall  
25      be at the rate of \$1 for each day on which he was held

1 *as a prisoner of war and on which such hostile force, or its*  
2 *agents, failed to furnish him such quantity or quality of*  
3 *food.*

4 *“(3) The Commission is authorized to receive and to*  
5 *determine, according to law, the amount and validity and*  
6 *provide for the payment of any claim filed by any prisoner*  
7 *of war for compensation—*

8 *“(A) for the failure of the hostile force by which*  
9 *he was held as a prisoner of war, or its agents, to meet*  
10 *the conditions and requirements prescribed under chap-*  
11 *ter VIII, section III, of the Geneva Convention of*  
12 *August 12, 1949, relating to labor of prisoners of war;*  
13 *or*

14 *“(B) for inhumane treatment by the hostile force*  
15 *by which he was held, or its agents. The term ‘inhumane*  
16 *treatment’ as used in this subparagraph shall include,*  
17 *but not be limited to, failure of such hostile force, or its*  
18 *agents, to meet the conditions and requirements of one*  
19 *or more of the provisions of article 3, 12, 13, 14, 17,*  
20 *19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84,*  
21 *85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Con-*  
22 *vention of August 12, 1949.*

23 *Compensation shall be allowed to any prisoner of war under*  
24 *this paragraph at the rate of \$1.50 per day for each day on*  
25 *which he was held as a prisoner of war and with respect to*

1 *Commission the failure to meet the conditions and require-*  
2 *ments described in subparagraph (A) of this paragraph*  
3 *or the inhumane treatment described in subparagraph (B)*  
4 *of this paragraph. In no event shall the compensation allowed*  
5 *to any prisoner of war under this paragraph exceed the sum*  
6 *of \$1.50 with respect to any one day.*

7       “(4) Any claim allowed by the Commission under this  
8 subsection shall be certified to the Secretary of the Treasury  
9 for payment out of funds appropriated pursuant to this sub-  
10 section and shall be paid by the Secretary of the Treasury  
11 to the person entitled thereto, and shall, in the case of death  
12 or determination of death of the persons who are entitled,  
13 be paid only to or for the benefit of the persons specified, and  
14 in the order established, by subsection (d)(4) of this section.

15       “(5) Each claim filed under this subsection must be  
16 filed not later than three years from whichever of the fol-  
17 lowing dates last occurs:

18               “(A) the date of enactment of this subsection;

19               “(B) the date the prisoner of war by whom the  
20 claim is filed returned to the jurisdiction of the Armed  
21 Forces of the United States; or

22               “(C) the date upon which the Department of  
23 Defense makes a determination that the prisoner of war  
24 has actually died or is presumed to be dead, in the  
25 case of any prisoner of war who has not returned to the

1       *jurisdiction of the Armed Forces of the United States.*  
2       *The Commission shall complete its determinations with re-*  
3       *spect to each claim filed under this subsection at the earliest*  
4       *practicable date, but in no event later than one year after*  
5       *the date on which such claim was filed.*

6       “(6) *Any claim allowed under the provisions of this*  
7       *subsection shall be paid from funds appropriated pursuant*  
8       *to paragraph (7) of this subsection.*

9       “(7) *There are authorized to be appropriated such*  
10       *amounts as may be necessary to carry out the purposes*  
11       *of this subsection, including necessary administrative ex-*  
12       *penses.”*

13       *SEC. 2. Section 6(e) of the War Claims Act of 1948*  
14       *(50 App. U.S.C. 2005(e)) is amended as follows:*

15       (1) *In paragraph (1), strike out “except any such*  
16       *member” and insert in lieu thereof “or any person (military*  
17       *or civilian) assigned to duty in the U.S.S. Pueblo who was*  
18       *captured by the military forces of North Korea on Jan-*  
19       *uary 23, 1968, and thereafter held prisoner by the Govern-*  
20       *ment of North Korea for any period of time ending on or*  
21       *before December 23, 1968, except any person”.*

22       (2) *At the end of paragraph (5), add the following*  
23       *new subparagraph:*

1           “(D) In the case of any person assigned to duty in  
2           the U.S.S. Pueblo referred to in paragraph (1) of this  
3           subsection, one year after the date of enactment of this  
4           subparagraph.”

5           SEC. 3. Section 5 of the War Claims Act of 1948 (50  
6           App. U.S.C. 2004) is amended—

7           (1) by striking out in subsection (e) “subsection  
8           (g)” and inserting in lieu thereof “subsections (g) and  
9           (i)”; and

10          (2) by adding at the end thereof the following new  
11          subsection:

12          “(i)(1) As used in this subsection—

13               “(A) the term ‘Vietnam conflict’ relates to the period  
14               beginning on February 28, 1961, and ending on such  
15               date as shall thereafter be determined by Presidential  
16               proclamation or concurrent resolution of the Congress;  
17               and

18               “(B) the term ‘civilian American citizen’ means any  
19               person who, being then a citizen of the United States, was  
20               captured in Southeast Asia during the Vietnam conflict  
21               by any force hostile to the United States, or who went  
22               into hiding in Southeast Asia in order to avoid capture or  
23               internment by any such hostile force, except (i) a person  
24               who voluntarily, knowingly, and without duress, gave aid  
25               to or collaborated with or in any manner served any such

1        *hostile force, or (ii) a regularly appointed, enrolled,*  
2        *enlisted, or inducted member of the Armed Forces of the*  
3        *United States.*

4        *“(2) The Commission is authorized to receive and to*  
5        *determine, according to law, the amount and validity, and*  
6        *provide for the payment of any claim filed by, or on behalf*  
7        *of, any civilian American citizen for detention benefits for*  
8        *any period of time subsequent to February 27, 1961, during*  
9        *which he was held by any such hostile force as a prisoner,*  
10       *internee, hostage, or in any other capacity, or remained in*  
11       *hiding to avoid capture or internment by any such hostile*  
12       *force.*

13       *“(3) The detention benefits allowed under paragraph*  
14       *(2) of this subsection shall be at the rate of \$60 for each*  
15       *calendar month.*

16       *“(4) The detention benefits allowed under paragraph*  
17       *(2) of this subsection shall be allowed to the civilian Ameri-*  
18       *can citizen entitled thereto, or, in the event of his death, only*  
19       *to the following persons:*

20                *“(A) the widow or husband if there is no child or*  
21                *children of the deceased;*

22                *“(B) the widow or dependent husband and child*  
23                *or children of the deceased, one-half to the widow or*  
24                *dependent husband and the other half to the child or*  
25                *children in equal shares;*



1       “(C) the child or children of the deceased in equal  
2       shares if there is no widow or dependent husband.

3       “(5) Any claim allowed by the Commission under this  
4       subsection shall be certified to the Secretary of the Treasury  
5       for payment out of funds appropriated pursuant to this  
6       subsection, and shall be paid to the person entitled thereto,  
7       except that if a person entitled to payment under this section  
8       is under any legal disability, payment shall be made in  
9       accordance with the provisions of subsection (e) of this  
10      section.

11      “(6) Each claim filed under this section must be filed  
12      not later than three years from whichever of the following  
13      dates last occurs:

14           “(A) the date of enactment of this subsection;

15           “(B) the date the civilian American citizen by whom  
16      the claim is filed returned to the jurisdiction of the  
17      United States; or

18           “(C) the date upon which the Commission, at the  
19      request of a potentially eligible survivor, makes a deter-  
20      mination that the civilian American citizen has actually  
21      died or may be presumed to be dead, in the case of any  
22      civilian American citizen who has not returned to the  
23      jurisdiction of the United States.

24      The Commission shall complete its determinations for each  
25      claim filed under this subsection at the earliest practicable

1 *date, but not later than one year after the date on which such*  
2 *claim was filed.*

3     “(7) *There are authorized to be appropriated such*  
4 *amounts as may be necessary to carry out the purposes of*  
5 *this subsection, including necessary administrative expenses.”*

Amend the title so as to read: “A bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.”

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1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That section 6 of the War Claims Act of 1948 (50 United  
4 States Code, Appendix 2005) is amended by:

5 (1) rewording subsection (e) (1) to read:

6 “(e) (1) As used in this subsection the term ‘prisoner  
7 of war’ means any regularly appointed, enrolled, enlisted, or  
8 inducted member of the Armed Forces of the United States  
9 who was held as a prisoner of war for any period of time, by  
10 any hostile force with which the Armed Forces of the United  
11 States were actually engaged in armed conflict, between

1 June 25, 1950, and August 21, 1954, or August 5, 1964,  
2 and the date ending the Vietnam conflict as shall hereafter be  
3 determined by Presidential proclamation or concurrent reso-  
4 lution of Congress except any such member who, at any  
5 time, voluntarily, knowingly, and without duress, gave aid to  
6 or collaborated with or in any manner served any such  
7 hostile force"; and

8 (2) by rewording sub-subsection (5) (A) to read:

9 "(A) August 21, 1954, for those with service dur-  
10 ing the Korean conflict"; and

11 (3) by redesignating sub-subsection (5) (B) as  
12 sub-subsection (5) (C); and

13 (4) by redesignating sub-subsection (5) (C) as  
14 sub-subsection (5) (D); and

15 (5) by inserting immediately after sub-subsection  
16 (5) (A) the following new sub-subsection:

17 "(5) (B) effective date of this amendment for those  
18 with service in the Vietnam conflict."

Approved For Release 2002/01/02 : CIA-RDP71B00364R000500090003-1

91ST CONGRESS  
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